



ONTARIO
THE PROVINCIAL SECRETARY

*Sessional paper No 63
Session of 1935.
A. A. Humphries
Esq. L.A.*

R E P O R T

of

I. A. HUMPHRIES

COMMISSIONER

appointed

under The Public Inquiries Act

respecting

the General Elections to the Legislative Assembly

of the Province of Ontario


held on the 19th day of June, 1934

PRESENTED TO THE LEGISLATIVE ASSEMBLY

BY COMMAND

H. C. McKeon

PROVINCIAL SECRETARY



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ONTARIO

DEPARTMENT OF ATTORNEY GENERAL

His Honour the Lieutenant-Governor of the
- Province of Ontario. -

I have the honour to submit my report in the form of "Findings", under a Commission issued to me, dated the 14th day of August, 1934, for the purpose of inquiring into all and any matters, circumstances and things concerning or in any way connected with, affecting or arising out of the General Elections of the Legislative Assembly of the Province of Ontario, in any Electoral District or Districts, held on the 19th day of June, 1934, and of all proceedings prior and subsequent thereto, which in any way appertain or are incidental to such Election.

And further, particularly to inquire into the Election in any Electoral District of the Province, with respect to the conduct of such Election; and with respect to the conduct of any Election Officer, Elector, Voter, or any other person whatsoever in connection therewith.



DATED at Toronto,
this 9th day of March,
1935.
IAH/MSJ

A large, stylized handwritten signature in dark ink, which appears to read 'I. A. Humphries'.

(I. A. Humphries),



GOVERNMENT OF ONTARIO

His Honor the Lieutenant-Governor of Ontario
- Province of Ontario -

I have the honor to acknowledge the receipt of
the form of "Minutes", under a General Order bearing the
date the 15th day of August, 1934, and the enclosed
relating to the all and any matters, circumstances and
things connected or in any way connected with, or
arising out of the General Assembly of the Province
Assembly of the Province of Ontario, in any manner
District or District, held on the 15th day of August, 1934,
and of all proceedings prior and subsequent thereto, which
in any way concern or are incidental to the same.

And further, particularly in relation to the
Election in any Electoral District of the Province, with
respect to the conduct of such Election, and the conduct
of the conduct of any Election District, District, or
any other person whatsoever in connection therewith.

[Signature]

(L. J. [Name])

DATE of Receipt
this 15th day of August
1934
LAWSON

ELECTIONS INQUIRY COMMISSION

(FINDINGS OF COMMISSIONER)



(4) ELECTIONS INQUIRY COMMISSION is of Testament

in the polling booth for the purpose of securing.

(5) I find that in polling subdivision No. 28
FINDINGS OF I.A. HUMPHRIES, Esq., K.C.,
voters were allowed to put their ballot in the Commissioner's box

themselves in direct contravention to the Act.

Gentlemen, I would like to express my
appreciation and thanks for the manner in which the
that the papers were not even put in the envelopes,
evidence has been produced before me in this inquiry.
but they were put in the ballot box boxes in direct

As I said at the beginning there is no
contravention to the provisions of the statute,
one on trial and this Commission is to ascertain the

(7) I find that in one poll where no
facts and find out just what the conditions were in
interpreter should have been engaged, none was employed
reference to St. Patrick's Riding.

and people were allowed to vote in direct contravention
I propose now to dispose of this matter and
of section 33 of the Act, which says that if no
to briefly give my findings:

interpreter is there and is sworn, that the voter

The first heading under which I propose to
shall not vote, and I propose to
deal with my findings is a heading that I might call

(8) I also find in one polling subdivision
general findings in connection with the conduct of the
that an outside scrutineer was had not been sworn
election and I find as follows:

was allowed to come in and bring in voters, more than

(1) That proper entries had not been made
one at a time, into the polling booth; that they
in the poll books by the poll clerks.

were allowed to vote openly and that he heard and he

(2) That the oaths of the poll clerks and
knew how they voted, and the oaths of the
the scrutineers had not been completed and filled out

(3) In one polling subdivision names were
in the poll book; and in some cases they were not even
allowed to vote whose names were not on the list in
sworn to secrecy.

direct contravention to a section of the Act, because in
(3) In one polling subdivision there was
a city person is entitled to vote, under our law,
no poll clerk until about four o'clock in the afternoon
unless his or her name is on the voters' list.

and no proper record therefore was taken, because he
(10) I find that in one polling subdivision
took the names from the scrutineers who were there.

a seventeen-year old girl voted and was appointed

ELECTIONS INQUIRY COMMISSION

FINDINGS OF J. A. HONORABLE, J. A. C. C.
Commissioner.

Gentlemen, I would like to express my

appreciation and thanks for the manner in which the
evidence has been produced before me in this inquiry.

As I said at the beginning there is no

one on trial and this Commission is to ascertain the

facts and find out just what the conditions were in

reference to St. Patrick's Election.

I propose now to dispose of this matter and

to briefly give my findings:

The first heading under which I propose to

deal with my findings is a heading that I might call

General findings in connection with the conduct of the

election and I find as follows:

(1) That proper entries had not been made

in the poll books by the poll clerks.

(2) That the entries of the poll clerks and

the scrutineers had not been completed and filled out

in the poll book; and in some cases they were not even

sworn to secrecy.

(3) In one polling subdivision there was

no poll clerk until about four o'clock in the afternoon

and no proper records therefore were taken, because no

took the names from the scrutineers who were there.

poll (4) I find that there was no Bible or Testament in the polling booth for the purposes of swearing.

5 voters (5) I find that in polling subdivision No. 28 voters were allowed to put their ballots in the box themselves in direct ~~xxx~~ contravention to the Act.

10 by the (6) I find in one polling subdivision, No. 28, that the papers were not even put in the envelopes, but they were put in the ballot box loose in direct contravention to the provisions of the statute.

15 read in (7) I find that in one poll where an interpreter should have been engaged, none was employed and people were allowed to vote in direct contravention of Section 98 of the Act, which says that if no interpreter is there and is sworn, that the voter shall not vote. ~~second aspect of this matter that I~~

20 propose (8) I also find in one polling subdivision that an outside scrutineer who had not been sworn was allowed to come in and bring in voters, more than one at a time, into the ~~xx~~ polling booth; that they were allowed to vote openly and that he heard and he knew how they voted. ~~amount to the amount of \$143.90~~

25 for (9) In one polling subdivision persons were allowed to vote whose names were not on the list in direct contravention to a section of the Act, because in a City no person is entitled to vote, under our law, unless his or her name is on the voters' list. ~~any time~~

30 was (10) I find that in one polling subdivision a seventeen-year old girl acted and was appointed

(4) I find that there was no rule or regulation in the polling booth for the purpose of answering.

(5) I find that in polling subdivision No. 23 voters were allowed to put their ballots in the box themselves in direct contravention to the Act.

(6) I find in one polling subdivision, No. 23, that the papers were not even put in the envelopes, but they were put in the ballot box loose in direct contravention to the provisions of the statute.

(7) I find that in one poll where an interpreter should have been engaged, none was employed and people were allowed to vote in direct contravention of Section 28 of the Act, which says that if no interpreter is there and is sworn, that the voter shall not vote.

(8) I also find in one polling subdivision that an outside scrutineer who had not been sworn was allowed to come in and bring in voters, more than one at a time, into the polling booth; that they were allowed to vote openly and that he heard and he knew how they voted.

(9) In one polling subdivision persons were allowed to vote whose names were not on the list in direct contravention to a section of the Act, because in a city no person is entitled to vote, under our law, unless his or her name is on the voters' list.

(10) I find that in one polling subdivision a seventeen-year old girl voted and was appointed

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poll clerk. It is clearly and definitely stated in the Act that no person shall be appointed who is not a voter. ^{and had plenty of money. and then there was} the serv (11) I find that a very great number of the ballot boxes, at least half of them, were not sealed by the deputy returning officers as required by the Act. ^{and requ} On these matters I find that the Deputy Returning Officers were negligent in their duties. It showed a lack of interest. They did not even read the instructions and those matters that I have just covered are very easily found in the Election Act under main headings: first, procedure during the taking of the poll, and second, procedure after the taking of the poll.

The second aspect of this matter that I propose to deal with now is the improper method of a Returning Officer producing receipted bills to the Government in payment of services and rent, signed, when no money has been paid at all. We have evidence here, clear-cut evidence, that receipted bills were presented in one instance to the amount of \$143.90 for rent, telephone, typewriter, light, furniture, fixtures, and another bill for \$20 for services rendered for cleaning of office and doing odd jobs - receipted bills. The evidence discloses that the only rent that they ever got for this room at any time was \$18 or \$20. Why did they bill the government at

poll clerk. It is clearly and definitely stated in
the Act that no person shall be appointed who is not
a voter.
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The second aspect of this matter that I
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Government in payment of services and rent, signed,
when no money has been paid at all. We have evidence
here, clear-cut evidence, that receipts bills were
presented in one instance to the amount of \$143.90
for rent, telephone, typewriter, light, furniture,
fixtures, and another bill for \$30 for services
rendered for cleaning of office and doing odd jobs -
receipted bills. The evidence discloses that the
only rent that they ever got for this room at any time
was \$18 or \$20. Why did they bill the Government at

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\$50 a month? I think the answer is clear as it came from the evidence of Mr. Wylie: he thought the government had plenty of money. And then there was the services for caretaking, \$30. The evidence discloses that the only caretaking that was done in this office was on two occasions when Mr. Coleman was present and requested the caretaker to come in and clean up the office. This is highly improper, and I so find. And it is a practice that should not be followed; and I think where the returning officer knew that ~~xxxx~~ he was doing something he should not have done. I don't believe that Mr. Gray did it intentionally at all and if he ever is returning officer again he will know better.

Now, the next thing that I want to speak about is in connection with the ballots, and these are my findings:

First, I find from this evidence that there were some 60 ballots in 11 polling subdivisions in St. Patrick's Riding that were tampered with, changed and altered, by some person or persons after the Deputy Returning Officers had put them in the ballot box, looked it up, and returned it to the Returning Officer.

Second, from this evidence I find that this tampering with these ballots illegally was accomplished after the locked ballot boxes had been delivered to the

\$50 a month? I think the answer is clear as it
came from the evidence of Mr. Wylie; he thought the
government had plenty of money. And then there was
the evidence for certifying, \$30. The evidence
disclosed that the only certifying that was done in this
office was on two occasions when Mr. Goldman was present
and requested the caretaker to come in and clean up
the office. This is highly improper, and I so find.
And it is a practice that should not be followed;
and I think where the returning officer knew that
he was doing something he should not have done. I don't
believe that Mr. Grey did it intentionally at all
and if he ever is returning officer again he will know
better. As the law is.
Now, the next thing that I want to speak about
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findings: The Officer producing evidence that there
were some 60 ballots in 11 polling subdivisions in
St. Patrick's Riding that were tampered with, changed
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tampering with these ballots illegally was accomplished
after the locked ballot boxes had been delivered to the

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In polling subdivision No. 21 where John
returning officer at his office, 165 Spadina Avenue,
McDermott was Deputy Returning Officer, Frank Markovitz
and the time when he came back and sealed them up
was poll clerk and Ben Salsberg was scrutineer, all
on the Thursday, the 21st. And in addition I also find
swore that Hunter's and Murphy's ballots were each put
that these ballots could have been tampered with
in separate envelopes and sealed and that sealing-wax
and could have been changed and could have been
had been used. When this box was opened at the official
alterd from and after the evening of the 21st of
count the ballots were all loose in the box. The
June, which was the night of the official count,
evidence in connection with this particular polling
because the seals placed upon the boxes by the
subdivision also discloses the fact that other
returning officer that night were broken by the
envelopes in the box as produced before this
Election Clerk in order to have the official count.
investigation were sealed, and were sealed with sealing-
These boxes were not again resealed by the returning
wax - which corroborates the evidence, if any is
officer, but they were left in that condition with
needed, of Mr. McDermott, Mr. Markovitz and Mr. Salsberg.
the keys attached to the handle in this room, from
in this particular subdivision ten ballots had been
the date of the official count until Mr. Gray moved
spoiled. I find that this box was tampered with
them to his own home on Monday the 25th day of June.
and someone had been in it and had destroyed the
to break. I also find that there were certain envelopes
validity of ten Hunter ballots after the box had been
in which the ballots of Colonel Fraser Hunter were
delivered to the returning officer.
placed had been replaced by other envelopes, other
I think the most convincing piece of evidence
than those envelopes that were placed in that box by
that I had before me that these ballots had been
the Deputy Returning Officers. I find that some
spoiled and tampered with after the deputy returning
30 people came here, including Deputy Returning
officers had returned their boxes, was in polling
Officers, Poll Clerks and scrutineers, when these
subdivision No. 36, Surrey Place. Miss Kathleen Hyland
ballots were produced to them swore that they had
was the deputy returning officer, Charles O'Reilly
never seen ballots marked as these were in their
was the poll clerk and James Bouch was the scrutineer.
polling booth the night of the election and that they
They all swore that this was a clean poll, not a
did not so appear when they made their count on the
rejected or spoiled ballot in the whole poll. When
night of the election.

returning officer at his office, 185 Spadina Avenue,
and the time when he came back and sealed them up
on the Thursday, the 21st. And in addition I also find
that these ballots could have been tampered with
and could have been changed and could have been
altered from and after the evening of the 21st of
June, which was the night of the official count,
because the seals placed upon the boxes by the
returning officer that night were broken by the
Election Clerk in order to have the official count.
These boxes were not again resealed by the returning
officer, but they were left in that condition with
the keys attached to the handle in this room, from
the date of the official count until Mr. Gray moved
them to his own home on Monday the 23rd day of June.
I also find that there were certain envelopes
in which the ballots of Colonel Fraser Hunter were
placed had been replaced by other envelopes, other
than those envelopes that were placed in that box by
the Deputy Returning Officers. I find that some
30 people came here, including Deputy Returning
Officers, Poll Clerks and scrutineers, when these
ballots were produced to them swore that they had
never seen ballots marked as these were in their
polling booth the night of the election and that they
did not so appear when they made their count on the
night of the election.

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In polling subdivision No. 21 where John
Colonel Hunter's envelope was opened before Judge
McDermott was Deputy Returning Officer, Frank Markovitz
Barton on the receipt there were five ballots in his
was poll clerk and Ben Salsberg was scrutineer, all
envelope which were spoiled and could not possibly
swore that Hunter's and Murphy's ballots were each put
be allowed. And these three people swore that no
in separate envelopes and sealed and that sealing-wax
ballot marked as these were appeared before them
had been used. When this box was opened at the official
the night of the count.

count the ballots were all loose in the box. The
There is no question of doubt whatever but
evidence in connection with this particular polling
that a crime was committed, that these ballots and
subdivision also discloses the fact that other
ballot boxes had been tampered with and that the 30
envelopes in the box as produced before this
ballots that were produced before this Commission were
investigation were sealed, and were sealed with sealing-
illegally, fraudulently spoiled, raised, and that they
wax - which corroborates the evidence, if any is
were the ballots of Colonel Francis Hunter.

needed, of Mr. McDermott, Mr. Markovitz and Mr. Salsberg.

Now, then, the next point that we have before
In this particular subdivision ten ballots had been
as is one that presents a good deal of difficulty;
spoiled. I find that this box was tampered with
who committed this crime? I am going, first of all,
and someone had been in it and had destroyed the
to briefly state my findings in regard to this
validity of ten Hunter ballots after the box had been
particular second part of the case:
delivered to the returning officer.

I find that the returning officer, upon the
I think the most convincing piece of evidence
receipt by him of the ballot boxes on the night of the
that I had before me that these ballots had been
election, was negligent in that he did not, as required
spoiled and tampered with after the deputy returning
by section 118 of the Election Act, immediately on
officers had returned their boxes, was in polling
receipt of each box, seal it with his own seal in
subdivision No. 36, Surrey Place. Miss Kathleen Hylward
such a way that it could not be opened without his
was the deputy returning officer, Charles O'Reilly
seal being broken and without effacing or covering the
was the poll clerk and James Bouck was the scrutineer.
seals affixed thereto.

They all swore that this was a clean poll, not a
I find that the returning officer did not
rejected or spoiled ballot in the whole poll. When
perform this statutory duty which was cast upon him,

In polling subdivision No. 21 where John
McDermott was Deputy Returning Officer, Frank Markovitz
was poll clerk and Ben Salasberg was scrutineer, all
swore that Hunter's and Murphy's ballots were each put
in separate envelopes and sealed and that sealing was
had been used. When this box was opened at the official
count the ballots were all loose in the box. The
evidence in connection with this particular polling
subdivision also discloses the fact that other
envelopes in the box as produced before this
investigation were sealed, and were sealed with sealing
wax - which corroborates the evidence, if any is
needed, of Mr. McDermott, Mr. Markovitz and Mr. Salasberg.
In this particular subdivision ten ballots had been
spoiled. I find that this box was tampered with
and someone had been in it and had destroyed the
validity of ten Hunter ballots after the box had been
delivered to the returning officer.
I think the most convincing piece of evidence
that I had before me that these ballots had been
spoiled and tampered with after the deputy returning
officers had returned their boxes, was in polling
subdivision No. 36, Surrey Place, Miss Kathleen Hylward
was the deputy returning officer, Charles O'Reilly
was the poll clerk and James Boush was the scrutineer.
They all swore that this was a clean poll, not a
rejected or spoiled ballot in the whole poll. When

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Colonel Hunter's envelope was opened before Judge Barton on the recount there were five ballots in his envelope which were spoiled and could not possibly be allowed. And these three people swore that no ballot marked as these were appeared before them the night of the count.

There is no question of doubt whatever but that a crime was committed, that these ballots and ballot boxes had been tampered with and that the 60 ballots that were produced before this Commission were illegally, fraudulently spoiled, ruined, and that they were the ballots of Colonel Fraser Hunter.

Now, then, the next point that we have before us is one that presents a good deal of difficulty: Who committed this crime? I am going, first of all, to briefly state my findings in regard to this particular second part of the case:

I find that the returning officer, upon the receipt by him of the ballot boxes on the night of the election, was negligent in that he did not, as required by Section 118 of the Election Act, immediately on receipt of each box, seal it with his own seal in such a way that it could not be opened without his seal being broken and without effacing or covering the seals affixed thereto.

I find that the returning officer did not perform this statutory duty which was cast upon him,

Colonel Hunter's envelope was opened before Judge
Barton on the record there were five ballots in his
envelope which were spoiled and could not possibly
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such a way that it could not be opened without his
seal being broken and without effacing or covering the
seals affixed thereto.
I find that the returning officer did not
perform this statutory duty which was cast upon him.

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because I looked at the place, for someone to walk because he made no attempt to seal up these boxes along that ledge, lift the window and get in this room until the next day, when he arrived at his office at 165 Spadina Avenue, around ten o'clock in the forenoon.

I also find that the office in which the returning officer kept these ballot boxes at 165

I find that there was a type of Yale lock on this door leading into this room. There were two keys, one key was handed to the returning officer by keys tied on the handles.

I find that this room had been rented from retained by the caretaker of the building. Mr. Wylie who was an old friend of the returning officer's and who was an official of Ward Four

Mr. Wylie retained his key. Mr. Wylie could have entered that room at any time, as he had a key for the Association. It was a room in a building in which was

a room used by Ward Four Conservative Association as

I find that the returning officer was headquarters. It was a room in a building that was negligent in that he did not take precautions in not in the riding of St. Patricks. It may be, having these windows securely fastened and that he irrespective of not being in the riding, that it was a did not see to it that another lock had been placed suitable place as far as convenience goes; I am not upon the door of this office so that no person other prepared to say as to that.

This room faces on Spadina Avenue, the entrance to this room. And I therefore find that the returning is on Spadina Avenue; it is on the first floor up.

There are two windows in this room that face the street. One of these windows would not lock, it and for preventing any other person than himself and could easily be lifted. There is a ledge running the election clerk from having access to this room, along the building, a fairly wide ledge, upon which He did not fulfil the statutory duty that was cast any person, possibly, could walk, one storey up.

There would be no difficulty or trouble in my mind, the 2nd Election Act.

because he made no attempt to seal up these boxes until the next day, when he arrived at his office at 105 Spadina Avenue, around ten o'clock in the forenoon. I also find that the office in which the returning officer kept these ballot boxes at 105 Spadina Avenue was not a safe and proper place in which to leave ballot boxes unsealed as they were, with the keys tied on the handles. I find that this room had been rented from Mr. Wylie who was an old friend of the returning officer's and who was an official of Ward Four Conservative Association, and a great worker in that Association. It was a room in a building in which was a room used by Ward Four Conservative Association as headquarters. It was a room in a building that was not in the riding of St. Patrick's. It may be, irrespective of not being in the riding, that it was a suitable place as far as convenience goes; I am not prepared to say as to that. This room faces on Spadina Avenue, the entrance is on Spadina Avenue; it is on the first floor up. There are two windows in this room that face the street. One of these windows would not look, it could easily be lifted. There is a ledge running along the building, a fairly wide ledge, upon which any person, possibly, could walk, one storey up. There would be no difficulty or trouble in my mind,

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because I looked at the place, for someone to walk
along that ledge, lift the window and get in this room.
There are other people living in apartments that face
on Spadina Avenue, with windows out of which one could
step to this ledge.

I find that there was a type of Yale lock
on this door leading into this room. There were two
keys, one key was handed to the returning officer by
Mr. Wylie, the caretaker, and the other key was
retained by the caretaker of the building. The
returning officer gave his key to his election clerk.
Mr. Wylie retained his key. Mr. Wylie could have
entered that room at any time, as he had a key for the
door.

I find that the returning officer was
negligent in that he did not take precautions in
having these windows securely fastened and that he
did not see to it that another lock had been placed
upon the door of this office so that no person other
than himself or his election clerk could have access
to this room. And I therefore find that the returning
officer did not, upon the receipt by him of the ballot
boxes, take every precaution for their safekeeping
and for preventing any other person than himself and
the election clerk from having access to this room.
He did not fulfil the statutory duty that was cast
upon him in this respect by reason of section 118 of
the ~~xxx~~ Election Act.

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along that ledge, lift the window and get in this room.
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on Spadina Avenue, with windows out of which one could
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I find that there was a type of Yale lock
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Mr. Wylie, the caretaker, and the other key was
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returning officer gave his key to his election clerk.
Mr. Wylie retained his key. Mr. Wylie could have
entered that room at any time, as he had a key for the
door.
I find that the returning officer was
negligent in that he did not take precautions in
having these windows securely fastened and that he
did not see to it that another lock had been placed
upon the door of this office so that no person other
than himself or his election clerk could have access
to this room. And I therefore find that the returning
officer did not, upon the receipt by him of the ballot
boxes, take every precaution for their safekeeping
and for preventing any other person than himself and
the election clerk from having access to this room.
He did not fulfill the statutory duty that was cast
upon him in this respect by reason of section 118 of
the XXX Election Act.

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the boxes, but I do not believe that Mr. Gray himself

I also find that after the official count had anything to do with the tampering with boxes on Thursday night the 21st of June, that the returning officer did not reseal these boxes but that these

The only persons who had access to the boxes were left in an unsealed condition in this room were the election clerk and Mr. Wylie. The room with the keys tied to the handles. And I must didn't even have a key of the room. Mr. Wylie and find that in this respect the returning officer was the key. Both Mr. Wylie and Mr. Graham were careless in leaving the boxes in such condition.

and they were asked, in reference to themselves, and I don't see how it could possibly be held in view of direct question as to whether they had anything to do with the spoiling of these ballots. And they safekeeping.

both answered in the negative.

Another point I would like to mention in

From the evidence that has been produced passing is that the front door or front entrance before me I am unable to say who it was that leading to these rooms is from the street and on the committed this crime. The crime has been committed night of the election, after it was all over, Mr. Wylie proved, no doubt about it. The results might have stated that he came home when it was quite late or been serious, extremely serious to Colonel Carter, quite early in the morning - one-thirty or two o'clock, I do not wish to speculate or to comment as to Two-thirty, not sure of the time - and the front door what my views may be on something that is not was open, so that anyone could have walked in that before me in the way of evidence, although I might front entrance and up the stairs to this room. do so. But I feel that it is unfortunate that we

Now, as to who committed this crime there is no could not get some evidence before me as to who did evidence before me. It is quite impossible to this work. Of course, like every other crime it isolate anyone who did it from those who might have done it. I don't believe for a minute that the in the night time, and it is extremely difficult to returning officer had a thing to do with the tampering find the culprit.

of these ballots. In fairness to Mr. Gray, while I have found against him and more or less struck from this investigation. I will, in accordance with the the shoulder in regard to his duties in connection with

I also find that after the official count on Thursday night the list of names, that the returning officer did not remove these boxes but that these boxes were left in an unsecured condition in this room with the keys tied to the handles. And I must find that in this respect the returning officer was careless in leaving the boxes in such condition. I don't see how it could possibly be held in view of Mr. Wylie, the caretaker, and the other persons retained by the caretaker of the building. Another point I would like to mention in passing is that the front door or front entrance leading to these rooms is from the street and on the night of the election, after it was all over, Mr. Wylie stated that he came home when it was quite late or quite early in the morning - one-thirty or two o'clock, having these windows securely fastened and that he did not see it that another lock had been placed was open, so that anyone could have walked in that front entrance and up the stairs to this room. Now, as to who committed this crime there is no evidence before me. It is quite impossible to isolate anyone who did it from those who might have done it. I don't believe for a minute that the returning officer had a thing to do with the tampering of these ballots. In fairness to Mr. Grey, while I have found against him and more or less struck from the shoulder in regard to his duties in connection with the election.

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the boxes, yet I do not believe that Mr. Gray himself had anything to do with the tampering with these ballots.

The only persons who had access to the room were the election clerk and Mr. Wylie. Mr. Gray didn't even have a key of the room, Mr. Codman had the key. Both Mr. Wylie and Mr. Coleman were here and they were asked, in fairness to themselves, the direct question as to whether they had anything to do with the spoiling of these ballots. And they both answered in the negative.

From the evidence that has been produced before me I am unable to say who it was that committed this crime. The crime has been amply proved, no doubt about it. The results might have been serious, extremely serious to Colonel Hunter. I do not wish to speculate or to comment as to what ~~my~~ my views may be on something that is not before me in the way of evidence, although I might do so. But I feel that it is unfortunate that we could not get some evidence before us as to who did this work. Of course, like many other crimes it is usually done when there is nobody around, done in the night time, and it is extremely difficult to find the culprit.

These are my findings in connection with this investigation. I will, in accordance with the

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terms of my commission, be required to report the
evidence to His Honour, the Lieutenant-Governor, which
I will do.

I wish to thank again you gentlemen who
have been engaged in this investigation, for the
courtesy and the fair way in which you have conducted
it and for the assistance that you have given me
which enables me to make the report that I have
now made.

A. McPherson
Commissioner

I will do.

now made.

Confidential

